MARK F. ADAMS
Attorney at Law
California State Bar No. 97377
964 Fifth Avenue, Suite 335
San Diego, California 92101
Telephone: (619) 239-4344
Facsimile: (619) 544-1429
Email: markadamsesq@yahoo.com

Attorney for Defendant
Carlos Saavedra Vasquez

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. CARLOS SAAVEDRA VASQUEZ, Defendant.	Case No. 08CR0302-JLS NOTICE OF EMERGENCY APPEAL AND REQUEST FOR DE NOVO REVIEW OF MAGISTRATE JUDGE ORDER SETTING DEPOSITION OF MATERIAL WITNESS AND DIRECTING PRE-TRIAL RELEASE OF MATERIAL TRIAL WITNESS AND REQUEST FOR STAY

TO: THE HONORABLE JANIS L. SAMMARTINO, UNITED STATES ATTORNEY, KAREN P. HEWITT, BY AND THROUGH ASSISTANT UNITED STATES ATTORNEY PAUL STARITA, AND MATERIAL WITNESS COUNSEL LINDA A. KING:

Defendant, Carlos Saavedra Vasquez, by and through his counsel of record, Mark F. Adams, and pursuant to the provisions of Federal Rules of Criminal Procedure 58(g)(2)(A) and 59, hereby notifies the Court and all counsel of his emergency appeal and request for *de novo* review of the Magistrate Judge's Order setting deposition of Material Witness Nuria Christina Ramerez for March 12, 2008 at 10:00 a.m., two days prior to the first motion hearing now scheduled before the District Court, and thereafter directing the release of said Material Witness. The order of the Magistrate Judge was entered on this Court's docket on February 22, 2008 as docket number 20.

The defense requests that this Court issue an order vacating the presently set date for deposition and release of said Material Witness pending briefing and a hearing on this emergency appeal and request for *de novo* review and request for stay. Unless the emergency request for stay is issued, the deposition will take place on March 12, 2008 and the material witness, a trial and, potentially a necessary motion hearing witness, will be released and returned to El Salvador and defendant will be denied his rights to compulsory process and to confront and cross examine the witnesses against him.

Accordingly, the defense requests this Court issue an order vacating the material witness deposition and set the presently set motion hearing date, March 14, 2008, as a status hearing to establish a briefing schedule on this emergency appeal and request for *de novo* review, and set a further hearing on the issue of a material witness deposition in this case.

Dated: February 25, 2008

/s/ Mark F. Adams
MARK F. ADAMS
Attorney for Carlos Saavedra

PROOF OF SERVICE

I, Mark F. Adams, do hereby state:

I am a citizen of the United States and a resident of the County of San Diego, State of California. I am over the age of eighteen years, and am not a party to the within action. My business address is 964 Fifth Avenue, Ste. 335, San Diego, California 92101.

On this 25th day of February 2008, I served the within **NOTICE OF EMERGENCY APPEAL AND REQUEST FOR DE NOVO REVIEW OF MAGISTRATE JUDGE ORDER SETTING DEPOSITION OF MATERIAL WITNESS AND DIRECTING PRETRIAL RELEASE OF MATERIAL TRIAL WITNESS AND REQUEST FOR STAY** in Case No. 08CR0302-JLS electronically through the CM/ECF system for the Southern District of California on the United States Attorney's Office, specifically AUSA Paul L. Starita, a registered user of the CM/ECF system.

Additional parties served through the CM/ECF system are:

Linda A. King, Attorney for the Material Witnesses;

Carey D. Gorden Federal Defenders of San Diego, Inc., Attorneys for Co-Defendant Rivera Diaz.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED this day, February 25, 2008, at San Diego, California.

/S/ Mark F. Adams
MARK F. ADAMS